

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DAVID A. GABALDON,

Plaintiff,

v.

No. 18cv348 KG/JHR

NEW MEXICO LOTTERY,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Plaintiff's Motion for [sic] Remove Judge, Doc. 6, filed May 24, 2018.

Plaintiff's Motion states in its entirety:

Motion for Remove Judge

Need "United States Magistrate Judge": "Jerry H. Ritter", to remove Kenneth J. Gonzales from the case, filing matter and having no hear to close, to find the evidence or the party statement. The case is with another Judge.

Motion

Need to send hearing date to all party, file every 15 days with other motion.

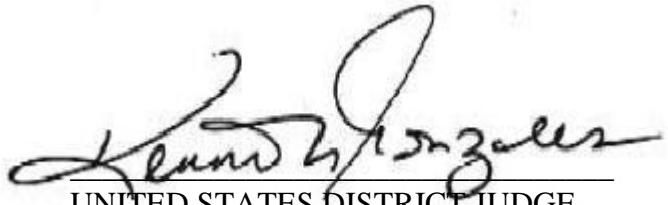
[sic] Doc. 6 at 1.¹

The Court will deny Plaintiff's request to remove the District Judge assigned to this case because Plaintiff has not asserted any facts or law demonstrating that the assigned District Judge should be disqualified. *See Bryce v. Episcopal Church in the Diocese of Colorado*, 289 F.3d 648, 659 (10th Cir. 2002) ("a judge also has as strong a duty to sit when there is no legitimate reason to recuse as he does to recuse when the law and facts require"). The Court will also deny

¹ Attached to the Motion is a page, which appears to have been inadvertently attached, containing three motions relating to a case in state court. *See* Doc. 6 at 2.

Plaintiff's Motion "to send hearing date to all party" because this case has been dismissed. *See* Final Judgment, Doc. 5, filed April 18, 2018.

IT IS ORDERED that Plaintiff's Motion for [sic] Remove Judge, Doc. 6, filed May 24, 2018, is DENIED.



UNITED STATES DISTRICT JUDGE